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Message Text

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64
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DRAFTED BY EB/AN:JBMAGNOR:DAP
APPROVED BY EB/AN:WBCOBB
EUR/NE - N. ACHILLES
CAB - A. LARGAY (INFO)
L/EB - T. TALLERICO
---------- 017617
P 291946Z AUG 75
FM SECSTATE WASHDC
TO AMEMBASSY LONDON PRIORITY

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E.O. 11652:N/A

TAGS: EAIR, UK

SUBJECT: CIVAIR: SEABOARD WORLD AIRLINES

REF: A) LONDON 13107; B) STATE 201845

1. ALTHOUGH WE RAISED SEABOARD ROUTING QUESTION WITH ROGERS IN EARLY SESSION OF AUGUST 20-22 DISCUSSIONS WITH HIM, HE DID NOT CHOOSE TO TELL US OF PENDING DOT ACTION AGAINST SEABOARD UNTIL WE HAD HEARD ABOUT IT FROM SEABOARD AND RAISED IT WITH HIM AGAIN. GIVEN POSSIBILITY DOT APPEAL OF THE DONALDSON DECISION OR - AS IT EVENTUALLY DEVELOPED-DIRECT DOT ACTION WITH REGARD TO SEABOARD'S PERMIT, OUR INITIAL THOUGHT WAS TO PURSUADE ROGERS TO DEFER ACTION UNTIL WE HAD HAD AN OPPORTUNITY TO DISCUSS THE MATTER FULLY WITH HIM. OBVIOUSLY, THIS WAS MOOTED BY THE DOT'S SUSPENSION OF THE SEABOARD
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PERMIT ON AUGUST 20.

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2. IT IS CLEAR THAT WE CANNOT LET THE DOT ACTION PASS WITHOUT USG OBJECTION. EMBASSY SHOULD THEREFORE DELIVER NOTE TO FCO - SUGGESTED TEXT OF WHICH FOLLOWS IN PARA 3 BELOW - SETTING FORTH US OBJECTIONS TO DOT'S UNILATERAL ACTION AGAINST SEABOARD. WE ARE NOT COMPLETELY COMMITTED

PARA 3 TEXT AND WOULD APPRECIATE ANY RECOMMENDATIONS EMBASSY MAY WISH TO MAKE IN CONNECTION WITH IT.

3. BEGIN TEXT:
(COMPLIMENTARY OPENING)...AND HAS THE HONOR TO REFER TO THE LETTER DATED AUGUST 20 TO SEABOARD WORLD AIRLINES FROM THE DEPARTMENT OF TRADE STATING THAT THE SECRETARY OF STATE FOR TRADE HAS SUSPENDED, PROVISIONALLY, SEABOARD'S OPERATING PERMITS ISSUED IN 1966 BECAUSE HE IS NOT IN AGREEMENT WITH THE ROUTING PATTERN SHOWN IN SCHEDULES SEABOARD FILED WITH THE DEPARTMENT ON AUGUST 8. THE DEPARTMENT'S LETTER STATES FURTHER THAT FOLLOWING SEPTEMBER 19 THE SECRETARY WILL CONSIDER GRANTING PERMANENT PERMITS IN THE SAME FORM AS TEMPORARY PERMITS WHICH WERE ENCLOSED WITH THE DEPARTMENT'S LETTER.

"THE TEMPORARY PERMITS ISSUED BY THE DEPARTMENT OF TRADE WOULD PREVENT SEABOARD FROM UPLIFTING AND DISCHARGING CARGO AT LONDON ON FLIGHTS TO AND FROM NEW YORK TRANSITING PARIS. IT IS THE POSITION OF THE USG THAT THE UPLIFT AND DISCHARGE OF CARGO AT LONDON ON SUCH FLIGHTS IS CONSISTENT WITH THE AIR SERVICES AGREEMENT OF 1946 AND SUBSEQUENT UNDERSTANDINGS. MOREOVER, THE ISSUANCE OF PERMITS BY THE UNITED KINGDOM IMMEDIATELY FOLLOWING THE CONCLUSION OF THE TALKS IN 1966 WHICH PERMITTED SUCH ROUTING AND THE ABSENCE OF OFFICIAL BRITISH ACTION AGAINST THAT ROUTING FOR MANY YEARS THEREAFTER STRONGLY SUGGEST THAT THE BRITISH AUTHORITIES TOO HELD THAT ROUTING CONSISTENT WITH THE AGREEMENT AND THE 1966 UNDERSTANDINGS.

"THE USG BELIEVES THAT THE TEMPORARY OPERATING PERMITS IMPOSE RESTRICTIONS UPON SEABOARD WHICH ARE CLEARLY PRE-
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CLUDED BY THE UNITED STATES-UNITED KINGDOM AIR SERVICES AGREEMENT OF 1946 AND THE SUBSEQUENT UNDERSTANDINGS OF 1966 AND THAT THE SERVICES WHICH SEABOARD FILED WITH THE DEPARTMENT ON AUGUST 8 TO WHICH THE SECRETARY OBJECTS ARE CONSISTENT WITH THE AIR SERVICES AGREEMENT AND THE SUBSEQUENT UNDERSTANDINGS. THE UNITED STATES MUST CONCLUDE THEREFORE THAT THE DEPARTMENT OF TRADE IS UNILATERALLY IMPOSING AN UNACCEPTABLE INTERPRETATION OF THE

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AGREEMENT AND SUBSEQUENT UNDERSTANDINGS AND IN DOING SO
IS ACTING CONTRARY TO OTHER PROVISIONS OF THE AGREEMENT.

"IN VIEW OF THE DEPARTMENT OF TRADE'S POSITION AND ITS
ACTIONS GROWING OUT THAT POSITION, THE UNITED STATES
REQUESTS THAT THE BRITISH AUTHORITIES TAKE APPROPRIATE
STEPS TO PERMIT SEABOARD TO OPERATE THE SERVICES IT
FILED WITH THE DEPARTMENT ON AUGUST 8.

(COMPLIMENTARY CLOSE.) END TEXT. INGERSOLL

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